App. F. IX-4

1921.

File No. 21-21

Previous References (Legis)

Serial Nos. 1-4

Later References

p. 34 ✓

General and Revenue Secretariat.

Serial Nos. seven.

Manuscript Part ~~B~~A for October 1922

SUBJECT

Amendment of the Indian Penal Code as in force in Mysore substituting penalty of fine for forfeiture of property

---

~~Previous Reference~~ 1921

File No. 21-21

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For October 1922

Local and Legislative (Legislation)

Amendment of the Penal Code substituting penalty of fine for forfeiture of property.

"A" Collection.

Serial No 1-5

Table of contents.

Serial No	Number and date of letter and contents	Page in A Proceedings
1	Letter No. Pol 839 dated 11-3-22, to the Secy to the Resident in Mysore. Forwards copy of the Bill to amend the Indian Penal Code as applied to Mysore, for information	
2	Letter No. 2731 dated 21-3-22, from the Secy to the Resident In Mysore. States that there is no prima facie objection to the Bill being laid before the Legislative Council.	
3	Letter No. Pol 12 dated 5-7-22, to the Secy to the Resident in Mysore. Forwards copies of the Bill and requests to obtain the sanction of the Govt. of India to pass the Bill into law.	
4	Letter No. 6369/244-1902, dated 8-8-22, from the Secy to the Resident in Mysore. States that the Govt. of India have accorded their consent to the passing of the amending Bill into law.	
5	G.O. No. F 3406 dated 26-10-22, to the Compiler, Mysore Gazette. Ordered that the Regulation further to amend the Indian Penal Code, 1860, as in force in Mysore, be published as Regulation No II of 1922.	

T V R .

G. R. S. III—1] 1921

GENERAL AND REVENUE SECRETARIAT.

(Legs)

NOTES.

File No. 21-29

FILE HEADING.

Amendment of the Penal code Substitution penalty of fine for forfeiture of property

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTE...

NOTES AND ORDERS.

The members' orders

1) "Steps may be taken to amend the Indian Penal code

Drafted / m. 24

P T.O.

G. R. S. III-2]

General and Revenue Secretariat.

Legislative File No. 21 of 1921

Serial No.

2) bill with a Draft-Act with Statement of Objects & Reasons

3) Mr S C Mitra considered the Mr Indian Bill have recommended that provision may be made in the C.P. for recovery of the fine for immovable property & has been included in the Statement of Objects Reasons.

4) In this connection it may be pointed out that the Regd. have suggested the amendment of the Code in regard to the abolition of the penalty of transportation & as reply has been given that it will be taken up after the Govt. of Indian pass amendments to that effect. No Bill has yet been introduced in Mr to in the matter 21

17.39

3

General and Revenue Secretariat. | Leg. File No. 91 of 1939

Serial No.

for consideration of the present Bill regarding the introduction of the other amendments by the Govt of India.

S/19/12/39 S G

19/12/39

5) Abolition of the sentence of transportation is agreed to (Flag D), but is postponed, pending similar amendment in British India. The present bill deals with amendments already adopted in British India subject to orders whether the bill shall be brought up or kept by, to include the amendment regarding the sentence of transportation, about which Govt of India has not as yet taken action.

C Abdul Cur 9/12

(Govt Secy)

6) Please print by pdf copies of the Bill and the Statement of Objects & Reasons.

Early

S Hirankumar 7/12 Cur 14/12

7) Submit with a typed copy

S G 19/12/39

C Abdul Cur 19.12

(Govt Secy)

19/12

1239

4

R. S. III-2]

General and Revenue Secretariat.

File No. 21 of 1921.

Serial No.

8) For Consideration & approval

9) I do not think we need say anything now about the recovery of this fine from the immovable property of the Contractor until the Govt of India amend the Criminal Procedure Code

~~Arbitration Case~~

S. Hariramaiya

24/12/21

(Secy) 24/12

10/

3rd Member 10) Yes.

M. Venu

29/12/21

Asst Secy

11) As for further action

S. Hariramaiya

31/12

(Secy) 3.1.22

12) Yes. This is a Council matter & it has to go to the Council

13) May be disposed of by circulation.

S. Hariramaiya 4.1.22

Gen Secy

S.R. 31/12 V.K.S. 31/1/22

C. Abdul Hameed

Secy

15 Degree Tea

To Hon Chief Secy. with Compliments

14) Papers may be disposed of by circulation

P. Rao 13.2.22

(Sd) 31/1

C 330
S

G. R. S. III-2]

General and Revenue Secretariat. | File No. 2495 of 1921

Serial No. 1

18/ D. S. N. Subd

Dewan

K. Mairet
23/2

DEWAN'S OFFICE.
Rcd. on FEB 23 1922
Reg. No. 4508

with 1 book

Final Note by the Third Member of Council.

Subject:-

Draft Bill further to amend the Indian Penal Code 1860 as in force in Mysore.

(1) The Government of India having in Act No. XVI of 1921, amended the Indian Penal Code doing away with the penalty of forfeiture of property provided in cases when an accused has been condemned to death or transportation for life and in cases when he has been convicted under Section 121 and 122 (waging war against the King) it is proposed to amend the Mysore Code with a view to bring it into conformity with the Criminal Code in force in British India. The statement of Objects and reasons explains further the object and scope of the measure.

(2) The draft Bill has been agreed to by the Dewan and the Members of Council.

(3) Gracious sanction of His Highness is solicited for placing the Bill before the Legislative Council.

Bangalore,
22nd February 1922

MEMBER OF COUNCIL.

G. R. S. IV—6]

Submitted to His Highness.

22) *I submit herewith a Final Note by the* Third *Member of Council on the subject of* Draft Bill further to amend the Indian Penal Code 1860 as in force in Mysore, *for His Highness' gracious approval.*

15th July 1922

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Introduction of the Bill further to amend the Indian Penal Code, 1860, as in force in Mysore, into the Legislative Council.

23) ***Order.***

~~KRW~~

27/2/22

C 330.

G. R. S. III-2.]

1259

General and Revenue Secretariat.

Legislative File No. 4 of 1921-22

Serial No.

Circulated to the Members of Council for perusal of His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 or the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government,

.....General.....Department.

FIRST MEMBER OF COUNCIL

SECOND MEMBER OF COUNCIL

THIRD MEMBER OF COUNCIL.

WD 923—GPB—500—3-11-21

General Secy. with Compliments.

G. R. S. III-2

General and Revenue Secretariat.

Legs File No. 21 of 1924

Serial No.

24) Submd. with a draft to the Resy. Secy. 5/3/22 25) After the drafts are done, this file will be sent to the Council Section for circulation 5/3/22 J.H.S

26) Issue C. Advt. Cap 4/3

2 Secy to the Resident Pol 839 dt 11 3-22 forwards copy of Bill to amend Indian Penal Code for information

27) May be sent to Council Section for circulation Secy 5/3/22 J.H.S

Council Section with compts C Advt Cap 4/3

10

G. R. S. III-2.

General and Revenue Secretariat.

File No. 354 of 19 11.

Serial No.

28) Leave was granted to introduce the Bill at the meeting of the Council on the 10th inst

Subd. with a draft publishing the Bill

29) Bal. Mr. Mangesh Rao heard the question that it is desirable to ~~take measures~~ adopt as the amendments made the Bn. Indian & which have not been adopted here & he promised to send a list of such. Re. as for orders if the receipt may be awaited before the present Bill is published

S.G 30) There do not appear 11/6/11 J.K.S. to be any omissions & perhaps 11/6 better to ask Mr Vaingankar to send in his list in a week & then obtain orders

(Over leaf)

C.A.L. Secy

Govt

G. R. S. III-2]

General and Revenue Secretariat. File No. 24 of 19 24.

Serial No.

33) It is not in any way necessary to introduce a clause in the enactment on the subject. Please see the provisions of section 4 of the Indian Penal Code which will take place when the Commissioner of Income-tax is appointed. He may decide in the present case.

Sir Hamar Greenwood

17/4

34) Asst Secy
Ag. for Secretary ack
S. Hurst 17/4
C. Alexander
Asst Secy
17/4

Serial No.	
3	Do The Secy to the Resident Pol 12 of 5.7.22 Sds copies of the above Bill and requests the sanction of the Govt of India to pass the above Bill into Law
4	Telegram No 6369 dated 1902 Dated 8.8.22 From The Secy to the Resident With reference to Sl 3 states that the Govt of India have accorded their consent to the passing of the I.P.C amending Bill into Law Submitted for perusal The Bill will have to be passed at the next sitting From 10.8.22 12/8 (2) Maybe included in the Agenda Office 14/8

35 S.D. 8 2.

15

G. R. S. III-2]

General and Revenue Secretariat. | Diary File No. 21 of 1921.

Serial No.

43) Send with a typist every day.

Sd/- C. Abdul Ghani
9.10.22.

Sd/- [illegible]
Sd/- [illegible]
9/10/22

Annual Administration Reports for the Second Quarter to be submitted

Sd/-
10.X.22

Sd/- 10/10/22

D. SN

Sd/-
13/10

Enclosure with its four copies

Sd/-
13/10/22
Sd/-
13/10

Sd/- Dewan
13.10.22

Sd/-
13/10

Final Note by the Second Member of Council.

17

Subject :—

Promulgation of the Bill further to amend the Indian Penal Code, 1860, as it is in force in Mysore, into law.

(4) Sanction of His Highness was granted on 22nd February 1922 to place the Bill further to amend the Indian Penal Code as it is in force in Mysore, before the Legislative Council. Leave to introduce the Bill was given by the Legislative Council on 10th April 1922 and at its meeting held on 27th June 1922, the Bill was read and it was considered unnecessary to refer it to a Select Committee. The Bill was finally passed by the Council at the meeting held on the 18th September 1922.

(5) 2. The assent of the Government of India has also been received for the passing of the Bill into law.

(6) 3. His Highness' gracious sanction may now be granted to promulgate the Bill into law.

Camp Mysore,
9th October 1922.

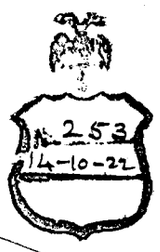
MEMBER OF COUNCIL.

Submitted to His Highness.

(4) *I submit herewith a Final Note by the*...Second.... *Member of Council on the subject of*.....promulgation... into Law, of the Bill...further...to amend the...Indian... Penal Code, 1860, as it is in force in Mysore,..... *for His Highness' gracious approval.*

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja



Subject.

Promulgation of the Bill further to amend the Indian Penal Code, 1860, into law.

G. R. S. III-2]

General and Revenue Secretariat. | Leg. File No. 21 of 1921 W

Serial No.

50) Submit with a draft order promulgating the Bill in the Fort St. George Gazette

S.G
24/10
P.W.D.

51) Issue
C. Madras Gazette
24/10

The Compiler, M. G.

P. 3606 of 26.10.21

Leg. for publication Regn. further to amend the I.P.C., 1860 as in force in Malabar &c. Regn. II of 1921.

Copies of the Regn. have been received. Submit draft forwarding as usual copies to the Registrar & the Secretary, Govt.

Done
3/11

Fort St. George
2/11

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to——

General and Revenue Secretariat

( )

, *the* 191

Date of issue 11th March 1922

Signed by Jr. S. W

Section Legr. 21-21

File No. 2

Serial No. 1

No. Pol 839 Rel 1911-3

To The Secy. to the Resident

Sir,

I am directed forward herewith Copy of the Bill further to amend the Indian Penal Code, as applied to Mysore together with a statement of Objects & Reasons which explain the scope of the Bill

The Bill will be laid before the Legislative Council

~~Draft~~ Bill further to amend the Indian Penal Code, 1860, as ~~it is~~ in force in Mysore.

******

Whereas it is expedient further to amend the Indian Penal Code, 1860, as ~~it is~~ in force in Mysore; His Highness the Maharaja is pleased to enact as follows :--

Amendment of Sections 121 and 122.

1. In Sections 121and 122 of the Code, for the words "and shall forfeit all his property" the words "and shall also be liable to fine" shall be substituted

Amendment of Section 121 A.

2. In Section 121 A of the Code, after the words "ten years" the words "and shall also be liable to fine" shall be inserted.

Repeal of Section 61 and 62.

3. Sections 61 and 62 of the Code are hereby repealed.

27-12-21

Statement of Objects and Reasons.

23

Under Section 62 of the Indian Penal -- Code, as it is in force in Mysore, forfeiture of property may be added, at the discretion of the Court, to the punishment on conviction of any offence punishable with death, and in cases where the sentence is transportation or imprisonment for a term of seven years or upwards, the Court may order the forfeiture of the - rents and profits of all property of the convicted person during the period of his transportation or imprisonment subject to such provision for his family and -- dependants as the Government may think fit to allow during such period. Further in the case of persons convicted under Sections 121 and 122 of the Code, it is obligatory on the court to order the forfeiture of all their property. Whenever the forfeiture of all the property of a convict is ordered, he cannot, under Sec. 61 of the Code, acquire any property until he shall have undergone the punishment awarded. The retention of the automatic penalty of forfeiture being inconsistent with modern practice, the Government of India have, in Act No. XVI of 1921, done away with this penalty and substitut instead the penalty of fine.

2 The accompanying Bill has been prepared on the same lines. It is, however, intended that the fines imposed as a result of a conviction under Sections 121, 121 A or 122 of the Code shall be recovera ble from the immoveable property of the offender if they cannot be ecovered fro

Sir,

I am directed to acknowledge the receipt of your letter No. Pol.839, dated the 11th March 1922, forwarding a copy of the above Bill, and to state that the Hon'ble the Resident sees no prima facie objection to the Bill being laid before the Legislative Council as proposed.

2. The Bill will require a reference to the Government of India before it is passed into law, and consequently a further communication will be awaited from the Durbar.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.
WB.

Office of the Third
Member of Council

Dated 1922

A. K. Banerji, Esq., M.A., I.C.S.,
C.S.I., C.I.E.
R/JS, *Dewan of Mysore.*

SIR,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907, for introducing a bill further to amend the Indian Penal Code as in force in Mysore,

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

Member.

OFFICE OF THE DEWAN OF MYSORE.

Dated.....1922

Mr. Mir Hamza Hussain Member of the Mysore Legislative Council, is hereby permitted to introduce a bill for the purpose of amending the Indian Penal code as in force in Mysore

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907

Dewan of Mysore.

G. R. S. VI—S-III/13]

DRAFT

SUBJECT .....

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.....

Section.
File No.
Serial No.

No. 685 / LC / 2021

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Date of issue.....22/4/2021

Signed by.....Noor Ahmed

NOTIFICATION.

Under Rule 31/32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the I.P.C as in force in Mysore is published for general information with the statement of objects and reasons.

By Order,

22.4.21

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for sending 100 copies in English and 25 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

G. R. S. VI—

SUBJECT.....

.....

.....

Diary No. of letter replied to——————

General and Revenue Secretariat ·

( )

, *the* 191

Date of issue 5th July 1922

Signed by M. B. Venkobachar

No. Col 12 Cri (2) 95-7-

To

The Secretary to The Resident

Sir,

I am directed to forward herewith 2 copies of the Bill further to amend the Indian Penal code as in force in Mysore & to state that at the meeting of the Legislative held on the 27th June 1922 the Bill was

read and it was decided
that it was unnecessary
to refer the Bill to
a Select Committee

I am to request
that the Sanction
of the Govt. of India
may be kindly obtained
to pass the Bill into
law

I have &c

sd/-
9/7/23 Govt. Secy

Sd/-
29/6/23
Asst. Secy.

SIR,

With reference to your letter No. Pol.12, dated the 5th July 1922, I am directed to state that the Governor General in Council is pleased to accord his consent to the Bill on the understanding that he retains over it the power and authority which vest in him by virtue of article 18 of the Treaty dated the 26th November 1913.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legs
File No. 21-21
Serial No. 5

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Order No. 13406 (1) 8/26-10-22
Town Compiler, Mysore (Amt.

Ordered that the accompanying Regulation further to amend the Indian Penal Code, 1860 as in force in Mysore, which received the assent of His Highness the Maharaja, on the Seventeenth day of October 1922, be published as Regulation No. 11 of 1922, in the *Mysore Gazette* for general information. 55 S

Cas
24/10

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada ~~to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication. as per standing order

31

REGULATION II OF 1922.

Regulation further to amend the Indian Penal Code, 1860, as in force in Mysore.

Received the assent of His Highness the Maharaja on the seventeenth day of October 1922.

Whereas it is expedient further to amend the Indian Penal Code, 1860, as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. In Sections 121 and 122 of the Code, for the words "and shall forfeit all his property" the words "and shall also be liable to fine" shall be substituted. **Amendment of Sections 121 and 122.**

2. In Section 121A of the Code, after the words "ten years" the words "and shall also be liable to fine" shall be inserted. **Amendment of Section 121A.**

3. Sections 61 and 62 of the Code are hereby repealed. **Repeal of Sections 61 and 62.**

A. R. BANERJI,
Dewan.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Section Legs
File No. 21-21
Serial No 6

No. 4013(2)

To The Judicial Secy
to G. of the Nizam's Govt
Hyderabad (Deccan)

Sir,

I am directed to forward herewith 2 copies of the Regn further to amend the Indian Penal code as in force in Hyderabad

I have etc

G. R. S. VI.—S-III/16]

DRAFT.

33

SUBJECT .....

.....

.....

Section. Legs
File No. 21 - 09
Serial No. 1

No. Pol 436 Encl 9

To

Secy
The ~~First Assistant~~ to the Hon'ble
the Resident in Mysore.

SIR,

I am directed to forward herewith 9

copies of the Regulation

further to amend

the Indian Penal code

as in force in Mysore

.....

.....

.....